

City Council Meeting Minutes

**April 18, 2017
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh (arrived 9:00 pm)
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Aaron DeJong, Director of Economic Development
Rob Zuccaro, Director of Planning & Building Safety
Lauren Trice, Associate Planner
Lisa Ritchie, Associate Planner
Emily Kropf, Assistant to the City Manager
Katie Zoss, Cultural Arts and Special Event Coordinator
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Keany. All were in favor. Councilmember Leh absent.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

Councilmember Maloney asked that the contract with TischlerBise be removed for further discussion. Councilmember Loo asked that the Historic Context Report item be removed for discussion.

Councilmember Keany asked to generally include more details in the council communications for consent items in the future.

MOTION: Mayor Muckle moved to approve the consent agenda as amended, seconded by Councilmember Loo. All were in favor. Councilmember Leh absent.

- A. Approval of Bills**
- B. Approval of Minutes: April 3, 2017 & April 4, 2017**
- C. Approval of Appointment to the Parks & Public Landscaping Advisory Board**
- D. Approval of Contract with TischlerBise, Inc to Update the City's Fiscal Impact Models – moved to regular agenda**
- E. Approval of Amended Louisville Revitalization Commission Annual Budget for Fiscal Year 2017**
- F. Approval of Contract Between the City of Louisville and Loris & Associates, Inc for the State Highway 42 Underpass Design**
- G. Approval of Request for Proposals for Historic Context Reports – moved to regular agenda**
- H. Award Bid for 2017 Water Main Replacement Project**

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

City Manager Fleming stated the design process for the Recreation Center expansion project is continuing. There will be public presentations on May 4th to give the public information about the design. The team is also looking at what sustainability enhancements can be included in the design.

City Manager Fleming stated that year-to-date sales tax revenue is up 6% from 2016 and 3.4% above budget.

City Manager Fleming stated staff is working on getting the historic assessments completed for the Miner's Cabins and are currently waiting to get the owner's consent to perform the assessments.

REGULAR BUSINESS

HISTORIC CONTEXT REPORT RFP

moved from consent agenda

Director Zuccaro stated this item is a request to approve the Request for Proposal for the historic context report project. The project is an action item in the recently approved Historic Preservation Master Plan. It would create historic context reports for resident, commercial, and agricultural and mining areas of town. This is included in the 2017 budget but the purchasing policies state that the RFP needs to be approved by Council.

Councilmember Loo stated she doesn't understand what the final reports will give the City and what the City will do with the information. Director Zuccaro stated these are comprehensive reports detailing the history of each of these three elements in town. They will be used as the City implements the Preservation Master Plan and buildings are landmarked. This report will inform how those properties are preserved and/or designated to better understand Louisville's history.

Mayor Muckle noted these types of reports are best practices in historic preservation programs as a way to catalog buildings and historic elements in town.

Councilmember Loo stated this is a great deal of money. She asked if the project was bid out or if this is sole source. Planner Trice stated five bids were received and this one was chosen by a committee as the best vendor. Councilmember Loo stated she doesn't see the value in the project.

Councilmember Loo moved to approve the request for proposal; Mayor Muckle seconded the motion. Roll call vote: Motion passed 5-1: **Yes:** Mayor Muckle, Mayor Pro Tem Lipton, Council Member Stolzmann, Council Member Keany, Council Member Maloney; **No:** Council Member Loo; **Absent:** Council Member Leh.

APPOINTMENTS TO THE BUSINESS RETENTION AND DEVELOPMENT COMMITTEE

Mayor Muckle stated the Council interviewed 16 applicants for the Committee and thanked everyone for their interest in serving. It was a difficult decision as there were an overabundance of talented people. He recommended the following appointees noting this group represents a variety of sectors of the community and bring a wealth of business knowledge to the committee.

- Scott Reichenberg – three-year term, expiring December 31, 2019
- Shelly Angell – three-year term, expiring December 31, 2019
- Nicole Mansour – three-year term, expiring December 31, 2019
- Steven Erickson – two-year term, expiring December 31, 2018
- Eric Fowles – two-year term, expiring December 31, 2018
- Todd Budin – one-year term, expiring December 31, 2017
- Mark Oberholzer – one-year term, expiring December 31, 2017

Mayor Muckle stated he would serve as the Council liaison to the committee initially.

RESOLUTION NO. 21, SERIES 2017 – A RESOLUTION APPROVING A MINOR SUBDIVISION TO CREATE TWO SEPARATE LOTS AT 533 COUNTY ROAD

Planner Trice stated the applicant, 533 County Road, LLC, requests approval of a minor subdivision to create two residential lots from an existing 14,573 sq. ft. developed lot. The proposal is to create two lots both of which meet the lot size requirement, one lot would access from Parbois Lane and one from Front Street. The applicant will be required to improve the frontage on Parbois Lane as a part of this approval.

Planner Trice noted a similar request was made in 2012. That request included waivers and a platting process. At that time, the City Council denied the request based on the waiver request. There are no waivers with this request.

Andy Johnson, DAJ Design, 922A Main Street, representing the owner, noted the lot as it is currently zoned would allow for four dwelling units in the RM zoned area. The intention of this subdivision would be to only build one single family house on each lot. The lots as subdivided would be similar in size to adjacent lots.

Steve Forbes, 2820 5th Street, Boulder, the owner of the property, noted he wants to do what is best for the neighborhood. This subdivision will reduce the density in the area. Rather than putting in three units on the lot as it is allowed as currently configured, there will be two single family homes.

Councilmember Stolzmann noted she had submitted questions earlier, copies of which are available tonight on the dais. She stated one of the criteria for subdividing is that each lot will have access to a public street. She asked if Parbois Lane is a street or an unimproved alley. Attorney Light stated the code does say there must be access to a street, but the definition of a street includes the word alley. However, the definition of the word alley also states the property would have access to a street. He stated it is a problem in the code that needs to be addressed. In the end, you need access to a street which is defined to include “any area which provides for public use for purposes of vehicular or pedestrian access and includes highway, places, avenues, alleys or similar designations.” Other properties access from this same alley.

Councilmember Stolzmann asked why on the plat this is labeled an alley. Director Zuccaro stated it is platted as an alley with a street name of Parbois Lane.

Councilmember Keany asked if the Fire District is comfortable with the size of the lane for fire truck access. Director Zuccaro stated the District has approved the lane size. Councilmember Keany asked if the subdivision would preclude multifamily development on each lot. Director Zuccaro stated it does not preclude a duplex on each lot.

Public Comments – None

Mayor Muckle asked who is responsible for maintaining the alley. Planner Trice stated the applicant would be required to improve the alley, but there is no clarification of who is maintaining the alley.

Mr. Forbes stated Public Works stated to him that the owner would be responsible to maintain the alley. Director Zuccaro stated that requirement can be included in the resolution if desired.

Councilmember Keany stated his concern this would extend this alley only for one residence and he wanted to make sure the applicant knows this is right-of-way to be kept clear, not a private driveway.

Director Zuccaro showed an aerial image of the area for everyone to see. Planner Trice stated the alley south of the lot in question is a still a platted alley that has never been improved.

Mayor Muckle stated he generally does not support subdividing, however in this case two single family homes are better than four multifamily units. He asked if that condition could be added to the resolution. Attorney Light stated the City Council has the authority to impose height, use, area, or bulk requirements in a subdivision if those requirements don't violate the City's zoning ordinance. It would be stated in the plat and restated in the subdivision agreement.

Mayor Muckle asked if that requirement was acceptable to the applicant. Mr. Forbes stated yes, it was acceptable.

Public Comments – None.

Councilmember Stolzmann stated she doesn't think the criteria requiring access to a public street is met by using an alley. She noted the definition of an alley is contrary to the definition of a street. She doesn't think the subdivision is consistent with the City code.

Attorney Light stated the definitions are as Councilmember Stolzmann mentioned, but it is a debatable point in the code. Complicating this issue is that Parbois Lane is already used as primary access for other residences in the area.

Mayor Muckle moved to approve the subdivision with two conditions: 1) the owner will be required to improve and maintain the alley and 2) each lot will be limited to one single family home. Councilmember Keany seconded the motion.

Councilmember Loo asked if “improve” needs to be defined. Attorney Light noted the required standards are set by Public Works and it will be quantified in the subdivision agreement.

Attorney Light noted condition number one from the Planning Commission has been met so is not included in the resolution. Attorney Light suggested specific language for the conditions in the resolution:

1. The Subdivider shall at its expense be responsible for improvement of the alley adjoining Lot 2. The owner of Lot 2 shall be responsible for maintenance of the alley improvements. Such requirements shall be set forth in the subdivision agreement.
2. The maximum density for principal uses shall be limited to one single-family dwelling per lot. Said restriction shall be stated on the plat and included in the subdivision agreement.

Mayor Muckle and Councilmember Keany accepted the amendments.

Mayor Pro Tem Lipton noted his concern of using an alley as primary access for a residence. He asked if there are any other options. Director Zuccaro stated to meet the lot width requirements there is no way the western lot can access from Front Street.

Councilmember Maloney asked how wide the alley is. Director Zuccaro stated the ROW width is 20 feet and the paving is 16 feet. Councilmember Maloney stated he thinks that is sufficient for access.

Voice vote passed 4-2, Mayor Pro Tem Lipton and Councilmember Stolzmann voted no.

DISCUSSION/DIRECTION/ACTION – CITY-WIDE WAYFINDING PLAN

Planner Trice stated this project is the final part of the small area planning processes, the City engaged ArtHouse Design to develop a draft City-Wide Wayfinding Plan. Development of the Wayfinding Plan included public outreach in association with the small area planning process, and consultation with City Boards and Commissions. The consultant developed three different sign families for consideration.

Planner Trice reviewed four options for the project:

1. Entry & Directional Signs
2. Entry & Directional Signs and Signs to Access US 36
3. Entry Signs Only
4. Entry Signs with Signs to Access US 36

She added that the boards and commissions want gateway signs prioritized. If Council wants full mockups of the gateway signs, that can be done for an expense.

Councilmember Loo stated consensus from the BRaD committee was that the gateway signs are the highest priority. She noted concern that the proposed signs are not easy to read and don't make an impact. She would like to see a full scale mock up so people can get a good look at it.

Public Comments

Michael Menaker, 1827 West Choke Cherry, stated the proposed signs are not readable from a moving vehicle. He stated his support for signage in general, but doesn't like these designs; they aren't readable. He stated a mock up would be money well invested to see if the signs are readable.

Audrey Debarros, executive director Commuting Solutions, stated her support for including US 36 wayfinding in this project. The goal is to have the communities on the corridor implement the same wayfinding to the Bus Rapid Transit stations and on the bikeway to make it easier for users in the corridor. All of the communities on the corridor are working on the project.

Councilmember Loo asked if the \$20,000 in the plan covers all of the first and final mile signs for US 36 in Louisville. Planner Ritchie stated this would cover wayfinding signs along the US 36 bikeway.

Randy Caranci, 441 Elk Trail, Lafayette, stated the font on the signs should be changed. He agreed the signs are not readable.

Deb Fahey, 1118 West Enclave Circle, stated she likes the wayfinding idea, but does not like the existing signs in town and the ones presented are not readable at higher speeds.

Councilmember Stolzmann stated she would like to see a mockup of the entry signs for a better understanding of the design. She noted these funds are carryforwards from previous years and the carryforward funding should be reviewed as a whole to see how they rank with other budget priorities.

Councilmember Maloney stated he conceptually supports wayfinding, but agrees the proposed design for entryways are not readable and not in great locations. Mockups would be helpful for the gateway signs.

Councilmember Keany agreed that monument gateway signs should be prioritized. He likes the directional signs. He supports option four as presented. He would like to see mockups of the gateway signs to see how they look. He agreed it makes sense to look at the budget to see where carryover priorities are before funding this project.

Mayor Muckle stated his support for option four and is ready to spend the money on getting this done. He likes the mockup idea to see what works best.

Mayor Pro Tem Lipton agreed with Mayor Muckle and Councilmember Keany. He noted designing signs by committee is a no win situation. He stated there is general consensus for the signs. It is imperfect but we should move forward.

Mayor Muckle moved to approve phase one, option four and approve monument signs to be installed once the mockups are done and there is consensus they are readable. Mayor Pro Tem Lipton seconded.

Councilmember Loo stated that before we spend money on this we should compare this to other budget priorities for the carryforward money.

Councilmember Maloney stated he can support option four.

Councilmember Stolzmann stated she can't support this project until all of the carryforward funds are discussed as a group and projects prioritized.

Roll call vote: motion failed 3-3. **Yes:** Council Member Maloney, Mayor Muckle, Mayor Pro Tem Lipton; **No:** Council Member Stolzmann, Council Member Loo, Council Member Keany.; **Absent:** Council Member Leh.

Councilmember Stolzmann moved to give staff direction to make mockups of monument signs and continue the item until after carryforward funds have been discussed. Mayor Pro Tem Lipton seconded.

Mayor Muckle stated he won't support spending staff time on the mockups until we are sure we are going to commit to funding this.

Councilmember Stolzmann noted the carryforward discussion will be May 16; so wayfinding can be brought back for discussion on June 6.

Roll call vote: Motion passed 5-1. **Yes:** Council Member Maloney, Council Member Keany, Mayor Pro Tem Lipton, Council Member Loo, Council Member Stolzmann; **No:** Mayor Muckle, **Absent:** Council Member Leh.

**RESOLUTION NO. 22, SERIES 2017 – A RESOLUTION APPROVING THE
CULTURAL ARTS MASTER PLAN**

Cultural Arts and Special Events Coordinator Zoss stated the vision of the Cultural Arts Master Plan:

The City of Louisville promotes the public and private advancement of the arts and culture. We integrate the arts, culture and humanities with community design, economic development, education and other development initiatives to strengthen the quality of life and small town character of Louisville.

She stated this plan reiterates the City's commitment to cultural arts. Locally, artists are asking for more support and residents are asking for increased programming and better information. She noted that common topics that came up when getting public input were facilities, public art, marketing, professional development, education and outreach, and special events. Approving this plan helps to solidify the community's commitment to addressing these items.

Councilmember Loo asked if any thoughts were given to the gazebo at the arboretum being used as an outdoor venue. Ms. Zoss stated there were concerns about noise from the neighbors at that location.

Public Comments

Janet Russell, 916 Main Street, Creative Framing, stated her support for the Master Plan. It is critical the community support art.

Nicole Charron, 657 West Pine Street, stated her support for the plan and the need for more indoor event venues. We are losing events to other communities for lack of event space.

Bill Carlson, 916 Main Street, noted the survey in the plan shows people support the arts.

Mayor Muckle thanked everyone for being engaged with this process. He supports the plan as presented. Councilmember Maloney agreed.

Councilmember Stolzmann moved to approve the resolution; Councilmember Loo seconded the motion. All in favor. Councilmember Leh absent.

**ORDINANCE NO. 1736, SERIES 2017 – AN ORDINANCE AMENDING TITLE 4,
TITLE 10, AND TITLE 14 OF THE LOUISVILLE MUNICIPAL CODE REGARDING
ELECTRICAL ASSISTED BICYCLES – 1ST READING – SET PUBLIC HEARING
5/02/17**

City Attorney Light introduced the ordinance by title on first reading.

Councilmember Maloney noted he has been contacted by many of people on this issue. This draft allows only class one bicycles but not class two. He would like both classes included and it be amended for second reading.

Mayor Pro Tem Lipton stated both classes can only go up to 20 mph. He would like both classes included.

Mayor Muckle moved to approve the ordinance on first reading and for second reading amend the language to allow both class one and two. Councilmember Loo agreed. All in favor.

TISCHLERBISE CONTRACT FOR UPDATED FISCAL MODEL

moved from consent agenda

Councilmember Maloney noted this is a request to recreate the fiscal model to its original state; it was changed somewhere over time and to align the model with the new budget system. The contract has the consultant coming for a Study Session. Councilmember Maloney suggested eliminating the SS requirement, he doesn't feel it is needed as the Finance Committee can handle that without an additional meeting.

No one objected to the change.

Mayor Muckle moved to approve the contract as amended; Councilmember Maloney seconded. Motion carried by unanimous roll call vote. Councilmember Leh absent.

APPOINTMENTS TO THE BUSINESS RETENTION & DEVELOPMENT COMMITTEE

Mayor Muckle noted no vote was taken on this item when it was discussed earlier. He moved to approve the list of applicants as presented; Councilmember Stolzmann seconded the motion. All in favor. Councilmember Leh absent.

EXECUTIVE SESSION CITY MANAGER PERSONNEL MATTER

Mayor Muckle stated he is requesting the City Council convene an Executive Session for the discussion of a City Manager personnel matter. City Attorney Light introduced the request for executive session.

City Clerk Muth read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct this executive session: Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized topics. He noted the City Manager has not requested this be held in public session.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of discussion of a City Manager personnel matter as authorized by the laws noted by the City Attorney and the executive session include the City Council and the City Attorney; seconded by Councilmember Keady. The motion carried by a vote of 7-0.

The City Council adjourned to executive session at 9:00 pm.

Councilmember Leh arrived at 9:00 pm.

The Special City Council meeting reconvened at 10:25 pm.

REPORT ON THE EXECUTIVE SESSION

Mayor Muckle reported that in March the Council met in executive session to review the City Manager's performance evaluation and at that time decided to discuss a separation agreement with Mr. Fleming. This evening while in executive session the Council discussed a proposed separation agreement with City Manager effective on July 14, 2017. The Mayor noted the City has been fortunate to have Mr. Fleming as the manager for the past ten years and that he has been thoughtful and proactive. He noted the separation was not due to a specific dispute and was arrived at mutually. He thanked Mr. Fleming for his service and noted many of the projects and contributions he has made to the City. Deputy City Manager Balser will assume the duties of the City Manager upon his departure and continue in that role until the position is filled.

City Manager Fleming thanked the Council and stated he is ready to pursue other challenges. He will stay through mid-July to help facilitate a smooth transition.

Attorney Light noted the executive session was for the discussion of a personnel matter regarding the City Manager. Attorney Light's office provided copies of the separation agreement, the agreement provides that the parties agree it is to their mutual benefit to terminate and resign the City Manager's employment with the City; it sets out terms and conditions including that Mr. Fleming will continue as City Manager until July 14 and that after leaving the City Mr. Fleming will receive severance pay and benefits consistent with his contract. Mr. Fleming has provided signed copies of the proposed agreement, however, in order for the agreement to be effective it must be approved by City Council and signed by the Mayor.

Mayor Muckle moved to approve the separation agreement; Mayor Pro Tem Lipton seconded. Motion carried by unanimous roll call vote.

Mayor Muckle thanked City Manager Fleming for being extremely professional in working out the separation agreement.

CITY ATTORNEY'S REPORT

Attorney Light stated in follow up to the earlier item questioning use of alleys as street frontage, if the Council would like that language cleaned up an ordinance can be drafted for Council consideration.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Mayor Muckle asked that the alley discussion be rolled into the subdivision item scheduled on the agenda August 1.

Members agreed to add an item to the May 2 agenda to discuss next steps in the recruitment of a new city manager.

Mayor Muckle stated the Utility Committee met to discuss powerline undergrounding options and it will come to Council for discussion after further work by the committee.

ADJOURN

Members adjourned the meeting at 10:38.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk